

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

NORTH CENTRAL TEXAS COLLEGE

v.

CRANDALL DESIGN GROUP, ET. AL.

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Case No. 4:10-CV-00037
Judge Schneider/Judge Mazzant

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On January 6, 2012, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Third-Party Defendant G & A Consultants' Rule 12(b)(6) Motion to Dismiss (Dkt. No. 141) be granted in part and denied in part.

The Court, having made a *de novo* review of the objections raised by Third-Party Defendant G & A Consultants, Inc., is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections are without merit. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this Court.

It is, therefore, **ORDERED** that G & A Consultants' Motion to Dismiss for failure to state a claim upon which relief can be granted pursuant to Federal Rule of Civil Procedure 12(b)(6) (Dkt. No. 141) is **GRANTED** in part and **DENIED** in part.

Crandall's contractual comparative causation claim is dismissed. Crandall's negligence and

breach of contract claims shall remain.

It is SO ORDERED.

SIGNED this 27th day of January, 2012.

A handwritten signature in black ink, reading "Michael H. Schneider". The signature is written in a cursive style with a horizontal line underneath the name.

MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE